REMARKS

I.   Status of Claims:

Claims 1-15 and 17-29 were pending in the application prior to this submission. All of the pending claims were rejected by the Examiner in the previous Final Office Action.

Claims 1, 7, 14, 17-19 and 28 have been amended herein. Claims 2-3, 21-22 and 26-27 have been canceled herein without prejudice or disclaimer. No new matter has been introduced with this response, and thus, entry and reconsideration are respectfully requested.

II.   Response to Rejections Under 35 U.S.C. §112:

Claims 1-15 and 17-19 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner alleges that the phrase "active mode" is not adequately supported in the originally filed specification.

As part of the claim amendments now presented herein, Applicants have removed all instances of the phrase "active mode" from the claims currently pending in the application.

In view of the above, Applicants respectfully request that the rejection to claims 1-15 and 17-19 stand rejected under 35 U.S.C. §112, first paragraph, now be withdrawn.

III.   Response to Rejections Under 35 U.S.C. §103:

Claims 1-4, 6-10, 13-15, 17-23 and 25-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Windows Task Manager, (c) 1981-2001, MS Corp. (hereafter "Task") in view of NeXT Step 3.3, (c) 1995 by NeXT Computer Inc. (hereafter "NeXT"). Claims 5 and 24 also stand rejected as being unpatentable over Task in view of NeXT and further in view of US 2002/0191029 to Gillespie et al. (hereafter "Gillespie"). Claims 11-12 also stand rejected as being unpatentable over Task in view of NeXT and further in view of U.S. 5,910,802 to Shields et al. (hereafter "Shields"). In particular, the Examiner alleges that each and every limitation of claims 1-15 and 17-29 is obvious in view of the above combinations of the cited references.

Reconsideration of this application is respectfully requested in view of the claim amendments and remarks now presented herein. For example, amended claim 1 now recites:

1.   (Currently Amended) A device comprising a processor configured to:

receive a request for access to a menu from a user;

compile the requested menu, said menu including a list of menu options associated with currently active applications and inactive applications;

determine whether each application associated with a menu option is currently active;

add a flag to each menu option associated with a currently active application;

display the list of menu options and a focus region;

select one of said menu options by moving the position of the focus region to the same location as the menu option;

present a non-textual indication of the status of only the selected menu option based on whether the selected menu option is flagged; and

provide access to an application associated with the selected menu option, whether said application is active or inactive when selected.

Support for the amendments presented herein may be found on at least paragraphs [0032]-[0035] of published application US 2006/0107227. These amendments attempt to further clarify distinguishable aspects of the claimed invention with respect to the cited references. For example, amended claim 1 requires that a non-textual indication of status is only presented for a menu option that is selected by a focus region, the non-textual indication being based on whether the menu option is flagged as being associated with an application that is currently active.

On the contrary, both the Task and NeXT references are directed to displaying the current execution status for all applications that have been invoked in a device. In particular, the current status of all applications that are attempting to execute, either by automatic invocation or user selection, appears in a task manager. A task manager indicates whether the applications are "running" or "not responding" for all active applications, so there is no focus-based functionality as set forth in claim 1, as amended. Further, NeXT may signal that an application is attempting to execute through visual changes to a corresponding icon, but the changes in visual disposition occur regardless of whether the icon has focus (e.g., selection via a focus area) or not. Page 5 in NeXT, as previously cited by the Examiner with respect to dependent claim 7, simply describes a situation where an icon may reflect that an application is starting ("while it's starting up, the icon is highlighted in white, as shown above"). However, there is no teaching or suggestion of focus-related elements in NeXT. Thus, neither Task nor NeXT recite or imply amended claim 1.

Moreover, it is respectfully asserted that the Gillespie and Shields references are specifically directed to user interfaces for the display of icons in a touch screen environment. In

particular, both Gillespie and Shields describe the representation of apparatus interface controls in a touch-based environment. The references do not teach or suggest the limitations of claim 1, as amended herein, and thus, do not rectify the deficiencies of Task and Next as identified above.

In view of the above, it is respectfully asserted that at least claim 1, as amended, is distinguishable from the cited references, taken alone or in combination. The other pending independent claims have been amended in a manner similar to claim 1, and thus, are asserted to be likewise distinguishable. Any other pending claim not addressed above is distinguishable at least for depending from the aforementioned independent claims. Thus, Applicants respectfully request that the 35 U.S.C. §103(a) rejections to the claims 1-15 and 17-29 now be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration, withdrawal of the claim objections/rejections and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. **504827**, Order No. **1004289-216US (4208-4252)**.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **504827**, Order No. **1004289-216US (4208-4252)**.

Respectfully submitted,
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Dated: April 8, 2010   By:

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